IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/678,400

Filing Date: October 3, 2003

Applicant(s):   Robert M. Congdon and Wei-Lee H. Jamrog

Entitled: N-TIER CONFIGURED IMAP SERVER

Examiner: Hussein A. El-Chanti

Group Art Unit: 2157

Attorney Docket No.:   LOT920030027US1 (7321-012U)

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed February 27, 2008 and in response to the Notice of Non-Compliant Appeal Brief mailed May 2, 2008. As this Appeal Brief has been timely filed within the shortened statutory period, no extension of time under 37 C.F.R. § 1.136 is required. Notwithstanding, please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-2158, and please credit any excess fees to such deposit account.

Date: June 2, 2008   Respectfully submitted,

                                        /Steven M. Greenberg/
                                        Steven M. Greenberg, Registration No. 44,725
                                        Customer Number 46321

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APPEAL BRIEF

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Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed February 27, 2008, wherein Appellants appeal from the Examiner's rejection of claims 1 through 14.

I. REAL PARTY IN INTEREST

This application is assigned to International Business Machines Corporation by assignment recorded on October 3, 2003, at Reel 014590, Frame 0152.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1 through 14 are pending in this Application and have been twice rejected. It is from the multiple rejections of claims 1 through 14 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

Claims 1 and 9 were amended once in the Amendment filed on September 16, 2007 (the "Amendment") in response to the Non-Final Office Action dated June 14, 2007 (the "Non-Final Office Action"). Otherwise, Claims 2 through 8 and 10 through 14 have not been amended previously and their original form as of the filing date of the Application of October 3, 2003.

V. SUMMARY OF CLAIMED SUBJECT MATTER

By reference to paragraph [0021] of Appellants' published specification, independent claims 1 and 9 are respectively directed to an IMAP enabled mail server cell in a collaborative messaging system and an IMAP enabled collaborative messaging application. In Appellants' invention an IMAP server can be provided to include a platform independent collection of classes and can be configured to operate within a virtual machine. To that end, the IMAP server can be a Java (TM) application which comports with the J2EE specification. The IMAP server can be communicatively coupled to a data store of messages and can respond to requests to manage the messages through the collaborative messaging application. Additionally, access to the IMAP server can be regulated by authentication logic disposed within the application server.

With specific reference to claim 1, claim 1 as amended recites a mail server cell (Figure 2, Element 200 and Par. [0026]). The mail server cell includes a logical grouping of application

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server nodes disposed and executing within an application server (Figure 2, Elements 220A, 220B, 220C and Par. [0026]) and an IMAP compliant mail server executing in a computer and coupled to the logical grouping of application server nodes (Figure 2, Element 250 and Par. [0027]). The mail server cell also includes at least one data store configured for storing electronic mail messages processed in the IMAP compliant mail server. (Figure 2, Element 230 and Par. [0027])

Claim 9, collaborative messaging application includes an IMAP compliant mail server (Figure 1, Element 145 and Par. [0022]) configured for operation and executing within an n-tier enterprise environment provided by an application server computer (Figure 1, Element 100 and Par. [0022]). The application also includes a markup language driven interface (Figure 1, Element 125 and Par. [0023]) to the IMAP compliant mail server disposed within a Web container (Figure 1, Element 120) in the application server (Figure 1, Element 100 and Par. [0023]). The application even yet further includes a data store (Figure 1, Element 160 and Par. [0023]) configured to store messages processed by the IMAP compliant mail server (Figure 1, Element 145 and Par. [0023]). Finally, the application includes a directory (Figure 1, Element 170 and Par. [0023]) configured to provide configuration and addressing data to the IMAP compliant mail server (Figure 1, Element 145 and Par. [0023]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 through 14 have been 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,947,943 to DeAnna et al. (DeAnna).

VII. THE ARGUMENT

THE REJECTION OF CLAIMS 1 THROUGH 14 UNDER 35 U.S.C. § 102.

For convenience of the Honorable Board in addressing the rejections, claims 2 through 8 and 10 through 14 stand or fall together with independent claims 1 and 9, respectively.

Applicants' Claim 1 refers explicitly to the coupling of an IMAP compliant mail server to a logical grouping of application server nodes disposed and executing within an application server. Nowhere in DeAnna is there a teaching directed to a "logical grouping of application server nodes" that are both "disposed" and "executing" <u>within</u> an application server. Further, nowhere in DeAnna can a teaching be found directed to the coupling of an IMAP server <u>to the logical grouping of the nodes</u>. Exemplary Claim 1 recites as follows:

> 1. In a collaborative messaging system, a mail server cell comprising:
>
> a logical **grouping of application server nodes disposed and executing within an application server**;
>
> an Internet Message Access Protocol (IMAP) compliant mail server executing in a computer and **coupled to said logical grouping of application server nodes**; and,
>
> at least one data store configured for storing electronic mail messages processed in said IMAP compliant mail server.

In the Final Office Action, Examiner argues to the contrary by citing column 5, lines 46 through 60, column 7, lines 7 through 35 and column 3, line 64 to column 4, line 7 of DeAnna for a teaching directed to "a logical grouping of application server nodes disposed and executing within an application server". Each cited portion is reproduced herein for the convenience of the Honorable Board.

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Beginning first with column 5, lines 46 through 60 as reproduced herein, no teaching directed to an application server node, a logical grouping of nodes, or even an application server can be found in the cited portion of column 5.

> The OTA administrator GUI for OTA deployment tools 45 allows the administrator to: deploy application information to a client; add/update/delete Administrator Device list info; add/update/delete Person Server and Client Device list info; deploy any of the above information to any desired server/client device; and associate Role with "Administrator" device. This GUI also allows an administrator to deploy this information to any wireless or wired device running a ZeoSphere server (even if just a remote management server component). This GUI also communicates with any ZeoSphere server via the admin object 31 running inside each ZeoSphere server. Furthermore, it communicates (e.g., messaging 80) with any remote management server component via the remote admin object 61 running inside each remote management server.

Column 7, lines 7 through 35, likewise lacks such as teaching directed to any of an application server, application server node, or logical grouping of application server nodes in an application server:

> Returning to FIG. 2C, device 1 may also have one or more supporting components or services deployed. In a Java-based implementation a minimum CORBA ORB 69 and device resident JVM may be required, the ORB facilitating all device to device (e.g., messaging 81-83), device to administrator (e.g., messaging 80, 86) or device to enterprise/proxy servers (e.g., messaging 84, 85) communications within the ZeoSphere environment, and the JVM for running the Java-based ZeoSphere server 20. Optional components, depending on the functionality desired for the device, may include: a database library 64 for accessing micro databases 68; a decision flow library 67 for sending requests to the decision flow engine of ZDF server 50; an inference rules engine (Sandia National Laboratory's JESS rules engine is preferred for many applications given its compact structure), and a rules library 65 (e.g., for executing JESS Rules via the JESS inference engine); a SSL/encryption library 69 for secure, encrypted socket and IIOP transmission; and a client EJB proxy component for executing a request to EJBs via an EJB proxy server (e.g., server 75, which may delegate the request to the appropriate bean/method within a J2EE EJB server). The ZeoSphere Rules Interface for Rule Lib 65 allows for the loading of a rule; mapping objects to a rule; executing the rule; getting back mapped objects from the rule; resetting the rule engine; and firing property change events. The ZeoSphere database engine allows for logging on to the database 68 (e.g., creating a JDBC connection); executing a query; executing a query with a parameter list; and logging off the database (releasing the JDBC Connection).

Unlike columns 5 and 7 of DeAnna, column 3, line 64 to column 4, line 7 does provide a teaching directed to an application server (formed from the aggregation of "an application manager 21 and service containers 30, 33, 34"). Yet, as in the case of columns 5 and 7, column 3, line 64 to column 4 line 7 still lacks any teaching directed to a logical grouping of application server nodes in an application server:

Turning first to FIG. 2A, a ZeoSphere server 20 is shown operating on JVM 17 and operating system 16 in device 1. The preferred ZeoSphere server container includes an application manager 21 and services containers 30, 33, 34, together forming an application server. The current implementation of the application manager 21 includes a process/thread/class loader manager 22, a communication manager 23, a message service 24, a database access manager 25, a device manager 26, a naming service 27, and an ORB component (in this case a remote management CORBA object). The services containers include beans 32 (in a Java implementation) and an app server admin object 31, and may be packaged services 33 (e.g., for ease of deployment) or custom applications 34 on the device 1.

In that none of the cited portions of DeAnna disclose a logical grouping of application server nodes disposed and executing within an application server, obviously DeAnna cannot possibly teach an IMAP server coupled to such a logical grouping. Yet, this is precisely what is required by the plain language of Appellants' claims.

Examiner refers to column 15, lines 43 to 54 for a contrary proposition. As reproduced herein,

3. MailReceiver 173 (Session bean): when instructed by the ReceiverMDB, the Mail Receiver retrieves email messages addressed to the ZDF server 50. Once retrieved, the email messages are broadcast over a JMS channel to which the MailProcessor is listening. The MailReceiver can also be used as a generic facility to retrieve mail from any inbox on a POP3 or IMAP mail server. This facility is used to interact with end users of the system using email messages. As the users of the ZDF server 50 respond to DecisionFlow emails, the MailReceiver captures those responses forwards them to the MailProcessor via a JMS channel.

however, it is obvious that while column 15, lines 43 to 54 provides a teaching directly generally to an IMAP mail server, there is no direct teaching or even an inferential teaching showing the coupling of an IMAP mail server to a logical grouping of application server nodes.

Based upon the foregoing, Appellant respectfully submit that the Examiner's rejections under 35

U.S.C. § 102(e) for anticipation based upon the applied prior art are not viable. Appellants,

therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35

U.S.C. § 102(e).

Date: April 28, 2008   Respectfully submitted,

                                        /Steven M. Greenberg/
                                        Steven M. Greenberg
                                        Registration No. 44,725
                                        Customer Number 46321

VIII. CLAIMS APPENDIX

1. (Previously Amended) In a collaborative messaging system, a mail server cell comprising:

a logical grouping of application server nodes disposed and executing within an application server;

an Internet Message Access Protocol (IMAP) compliant mail server executing in a computer and coupled to said logical grouping of application server nodes; and,

at least one data store configured for storing electronic mail messages processed in said IMAP compliant mail server.

2. (Original) The mail server cell of claim 1, wherein said IMAP compliant mail server comprises a simple mail transfer protocol (SMTP) inbound request handler, an SMTP outbound request handler, and a set of IMAP services coupled to said SMTP inbound and outbound request handlers.

3. (Original) The mail server cell of claim 1, wherein said IMAP compliant mail server comprises a set of platform independent classes operable in a virtual machine environment.

4. (Original) The mail server cell of claim 1, wherein said virtual machine environment is the Java virtual machine environment.

5. (Original) The mail server cell of claim 4, wherein said IMAP compliant mail server comports with the J2EE specification.

6. (Original) The mail server cell of claim 1, further comprising a communicative coupling to authentication services provided through said application server.

7. (Original) The mail server cell of claim 1, further comprising a communicative coupling to auto-provisioning services provided through the collaborative messaging system.

8. (Original) The mail server cell of claim 1, further comprising a communicative coupling to a portal/portlet interface to said IMAP compliant mail server.

9. (Previously Amended) A collaborative messaging application comprising:

      an Internet Message Access Protocol (IMAP) compliant mail server configured for operation and executing within an n-tier enterprise environment provided by an application server computer;

      a markup language driven interface to said IMAP compliant mail server disposed within a Web container in said application server;

      a data store configured to store messages process by said IMAP compliant mail server; and,

      a directory configured to provide configuration and addressing data to said IMAP compliant mail server.

10. (Original) The collaborative messaging application of claim 9, wherein said IMAP compliant mail server comprises a set of platform independent classes programmed for execution in a virtual machine and specifically operable in said n-tier enterprise environment.

11. (Original) The collaborative messaging application of claim 10, wherein said virtual machine is a Java virtual machine and wherein said n-tier enterprise environment is J2EE.

12. (Original) The collaborative messaging application of claim 9, further comprising an administrative console coupled to a messaging administrative plug-in to said console facilitate management of said IMAP compliant mail server, said markup language driven interface, said data store and said directory.

13. (Original) The collaborative messaging application of claim 9, further comprising authentication logic disposed within said application server and communicatively linked to said IMAP compliant mail server for use by said IMAP compliant mail server.

14. (Original) The collaborative messaging application of claim 9, further comprising auto-provisioning logic disposed within the collaborative messaging application and communicatively linked to said IMAP compliant mail server for use by said IMAP compliant mail server.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.